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Patent Application  
Attorney Docket No. 0004-07-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Varney et al

APPLICATION NO.: 10/047,935

FILING DATE: 10/23/2001

TITLE: ANTIPROLIFERATIVE SUBSTITUTED  
5- THIAPYRIMIDINONE AND 5-  
SELENOPYRIMIDINONE  
COMPOUNDS

Examiner: Bruck Kifle

Group Art Unit: 1624

Hon. Commissioner of Patents

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Sir:

REVISED TERMINAL DISCLAIMER

Further to the Terminal Disclaimer filed on August 1, 2003, we herewith submit a corrected Terminal Disclaimer. Agouron Pharmaceuticals Inc. is the owner of 100% interest in the above-captioned application and in U.S. Patent 5,739,141 as evidenced by the copies of the relevant Assignment documents attached hereto. Agouron Pharmaceuticals Inc. hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-captioned application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173 as shortened by any terminal disclaimer filed in U.S. Patent 5,739,141. The owner hereby agrees that any patent so granted

on the above-captioned application shall be enforceable only for and during such period that U.S. Patent 5,739,141 is commonly owned. This agreement runs with any patent granted on the above-captioned application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the above-captioned application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of U.S. Patent 5,739,141, as presently shortened by any terminal disclaimer, in the event that U.S. Patent 5,739,141 later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

Date: November 5, 2003

Wendy L. Hsu  
Wendy L. Hsu  
Attorney for Applicants  
Reg. No. 42,794

Agouron Pharmaceuticals Inc./  
A Pfizer Company  
10777 Science Center Drive  
San Diego, CA 92121  
Phone: (858) 526-4652  
FAX: (858) 678-8233